

**161.740 Eligibility for continuing service status -- Limited status employee on approved military leave -- Transfer of teachers -- Reinstatement after service in Armed Forces.**

- (1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:
  - (a) Hold a standard or college certificate as defined in KRS 161.720 or meet the certification standards for vocational education teachers established by the Education Professional Standards Board.
  - (b) When a currently employed teacher is reemployed by the superintendent after teaching four (4) consecutive years in the same district, or after teaching four (4) years which shall fall within a period not to exceed six (6) years in the same district, the year of present employment included, the superintendent shall issue a written continuing contract if the teacher assumes his duties, and the superintendent shall notify the board of the action taken. A limited status employee on approved military leave shall be awarded service credit for each year of military service or each year of combined military and school service within a school year toward continuing contract status. If the leave time will qualify the teacher for continuing contract status, the local district may require the teacher to complete a one (1) year probationary period upon return. If required, the local district shall notify the teacher in writing within fourteen (14) days following receipt of the military leave request. Each day served in the General Assembly by a board of education employee during a regular or extraordinary session shall be included in the computation of a year as defined in KRS 161.720(2).
  - (c) When a teacher has attained continuing contract status in one district and becomes employed in another district, the teacher shall retain that status. However, a district may require a one (1) year probationary period of service in that district before granting that status. For purposes of this subsection, the continuing contract of a teacher shall not be terminated when the teacher leaves employment, all provisions of KRS 161.720 to 161.810 to the contrary notwithstanding, and the continuing service contract shall be transferred to the next school district, under conditions set forth in this section, for a period of up to seven (7) months from the time employment in the first school district has terminated. Nothing contained herein shall be construed to give a teacher a right to reemployment in the first school district during the seven (7) month period following termination.
  - (d) Service credit toward a continuing contract shall begin only when a teacher is properly certified as defined in KRS 161.720(6) or, in the case of a vocational education teacher, when the required certification standards established by the Education Professional Standards Board have been met.
- (2) Vocational education teachers fulfilling the requirements in subsection (1) of this section as of July 15, 1982, shall be eligible for continuing service status.
- (3) Whether employed under a limited contract or continuing service contract status, any teacher or superintendent who has been or may be hereafter inducted into the

Armed Forces of this country, shall at the expiration of service be reemployed or reinstated in a comparable position as of the beginning of the next school year, provided application is made at least thirty (30) days before the opening of school, unless physically or mentally incapacitated according to medical notations on official discharge papers. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under a limited contract of one (1) year or less.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 161, sec. 3, effective July 13, 2004. -- Amended 2001 Ky. Acts ch. 136, sec. 3, effective June 21, 2001. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 82, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 354, sec. 1, effective July 15, 1982; and ch. 401, sec. 1, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 185, sec. 1. -- Amended 1964 Ky. Acts ch. 41, sec. 3. -- Amended 1954 Ky. Acts ch. 60, sec. 1. -- Amended 1944 Ky. Acts ch. 98, sec. 1. -- Created 1942 Ky. Acts ch. 113, sec. 3.